


From: [Lydia Johnson](#)
To: [Barbara Aldridge](#)
Subject: Fw: San Jacinto River Waste Pits
Date: 10/07/2008 05:12 PM

----- Forwarded by Lydia Johnson/R6/USEPA/US on 10/07/2008 05:12 PM -----

**Robert
Werner/R6/USEPA/US**

10/07/2008 04:50 PM

To Stephen Tzhone/R6/USEPA/US@EPA
cc Barbara Nann/R6/USEPA/US@EPA, Carlos Sanchez/R6/USEPA/US@EPA, faultry.charles@epa.gov, Lydia Johnson/R6/USEPA/US@EPA, Ragan Broyles/R6/USEPA/US@EPA, Susan Webster/R6/USEPA/US@EPA, williams.donald@epa.gov, Wren Stenger/R6/USEPA/US@EPA
Subject Re: San Jacinto River Waste Pits 

Stephen,
The answer to your question is beyond my pay grade.


Bob

5.6724

▼ [Stephen Tzhone/R6/USEPA/US](#)

**Stephen
Tzhone/R6/USEPA/US**

10/07/2008 04:48 PM

To Barbara Nann/R6/USEPA/US@EPA, Robert Werner/R6/USEPA/US@EPA, faultry.charles@epa.gov, williams.donald@epa.gov, Carlos Sanchez/R6/USEPA/US@EPA, Lydia Johnson/R6/USEPA/US@EPA, Wren Stenger/R6/USEPA/US@EPA, Susan Webster/R6/USEPA/US@EPA, Ragan Broyles/R6/USEPA/US@EPA
cc
Subject Re: San Jacinto River Waste Pits 

All: Can we conduct a fund-lead non-time removal action BEFORE the official enforcement conclusion on whether this site goes PRP-lead or fund-lead?

Stephen L. Tzhone
Superfund Remedial Project Manager
USEPA Region 6 (6SF-RA)
214.665.8409
tzhone.stephen@epa.gov

▼ [Carlos Sanchez/R6/USEPA/US](#)

**Carlos
Sanchez/R6/USEPA/US**

10/07/2008 09:36 AM

To faultry.charles@epa.gov
cc williams.donald@epa.gov, Stephen
Tzhone/R6/USEPA/US@EPA

Subject San Jacinto River Waste Pits

Charles,

For the San Jacinto Site, we can conduct a Non-Time Critical Removal Action under CERCLA on the bases that "Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants" exists for the site. I believe that there is sufficient information available to make this determination and conduct a Non-Time Critical Removal Action. We would prepare an EE/CA (Engineering Evaluation/Cost Analysis) which is comparable to a Remedial Investigation/Feasibility Study (RI/FS). This would take a minimum of six (6) months. We can send a special notice letter to the PRPs to conduct the Non-Time Critical Removal Action or we can do it as Fund lead. CAS


Carlos A. Sanchez
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▼ [Donald Williams/R6/USEPA/US](#)

**Donald
Williams/R6/USEPA/US**

10/06/2008 07:38 PM

To Stephen Tzhone/R6/USEPA/US@EPA
cc Carlos Sanchez/R6/USEPA/US@EPA, Barbara
Nann/R6/USEPA/US@EPA, Cynthia
Fanning/R6/USEPA/US@EPA, Charles
Faultry/R6/USEPA/US@EPA, Susan
Webster/R6/USEPA/US@EPA

Subject Re: question on removal action 

Stephen,

Check with Susan Webster or Chris Petersen, but I think that we will still need a finding of imminent and substantial endangerment and offer the opportunity to conduct the action to the PRPs. Non-time critical means that you have several months to plan the action and implement a community involvement plan, etc., before you implement the action.

Look at the NCP to see the criteria for a non-time critical removal action.


Thanks,

Don Williams
Deputy Associate Director
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EPA Region 6
(214) 665-2197

▼ Stephen Tzhone/R6/USEPA/US

**Stephen
Tzhone/R6/USEPA/US**

10/06/2008 01:40 PM

To Carlos Sanchez/R6/USEPA/US, Barbara
Nann/R6/USEPA/US
cc Cynthia Fanning/R6/USEPA/US@EPA, Charles
Faultry/R6/USEPA/US@EPA, Donald
Williams/R6/USEPA/US@EPA, Susan
Webster/R6/USEPA/US@EPA
Subject question on removal action 

Hi Carlos,

Here's the response from Removal when the question on conducting a time-critical removal action was first asked:

Response 2: A determination of "imminent and substantial endangerment" to human health and the environment at a site is necessary for an emergency response action. No such finding was made at the San Jacinto River Waste Pits site. EPA and TCEQ determined placing the site on the NPL was the appropriate method to evaluate and address the site.

Now, I do have a followup question and that is: Are there any avenues to conduct a non-time critical removal action prior to completion of the PRP enforcement process?

I was under the impression that we would have to wait until enforcement completes on anything else besides a potential time-critical removal action, is this correct?

Stephen L. Tzhone
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▼ Cynthia Fanning/R6/USEPA/US

Cynthia
Fanning/R6/USEPA/US

To Andrew.Wallace@mail.house.gov
cc

08/18/2008 03:58 PM

Subject Follow-up from San Jacinto site tour

Drew -

This is in response to questions you posed before the site tour and Congressman Green's request for a list of National Priority List (NPL) sites in his district.

Question 1: In reviewing the Superfund & site information, I've got some more detail on a question that I had earlier—what can be done in the short-term to limit the dioxin exposure in the area before the dredging can be done? I believe you said that we could discuss those options during the site visit.

Response 1: The Texas Department of State Health Services's fish consumption advisory is in place to limit exposure. We encourage residents to observe the advisory while EPA evaluates the site.

Question 2: The Superfund website indicates that "if there are any immediate threats present at these sites, EPA performs an emergency response action. Within 3 months of identifying one of these long-term clean-up sites, EPA evaluates whether there are any immediate threats. If so, an emergency response action is taken."

<http://www.epa.gov/superfund/programs/er/hazsubs/timecrit.htm>

The project was listed as Final on the NPL on 3/19/2008. The San Jacinto Site Progress Profile indicates that "EPA is working to determine whether, under current conditions, there are any potential or actual human exposures to contaminants at this site."

<http://cfpub.epa.gov/supercpad/cursites/csitinfo.cfm?id=0606611>

The PDF status sheet on the site says that "Despite the advisory, residents are continuing to consume fish and crabs within this segment of the river."

<http://www.epa.gov/earth1r6/6sf/pdf/files/0606611.pdf>

That seems to indicate that there are potential human exposures to contaminants. Not to mention that the fish warnings for dioxin have recently expanded to include speckled trout and catfish from all of Galveston Bay.

Does that mean that a decision about immediate threats at this site was made by the end of 6/2008, or that the decision process has run over by 1-2 months? I got the impression from our conversation that there was some potential for some relatively short-term work to reduce dioxin exposure, while the longer enforcement process (that would lead to dredging) continues. Just trying to determine if that is part of this 90-day immediate threat investigation, or whether that has passed with a decision not to take emergency action.

Response 2: A determination of "imminent and substantial endangerment" to human health and the environment at a site is necessary for an emergency response action. No such finding was made at the San Jacinto River Waste Pits site. EPA and TCEQ determined placing the site on the NPL was the appropriate method to evaluate and address the site.

The Superfund NPL process includes a Human Health Risk Assessment during the Remedial Investigation to define potential exposure from ingestion. The fish advisory is present because the extent of the potential exposure is currently unknown.

In addition, we would like to emphasize that the remedy for the site has not been selected. While dredging is an option, it must be evaluated along with other potential remedies. EPA will present recommended remedy options for public review and comment in the Proposed Plan portion of the Superfund NPL process.

Question 3: What are the NPL sites in District 29?

Response 3:

- San Jacinto River Waste Pits (more info at <http://www.epa.gov/earth1r6/6sf/pdffiles/0606611.pdf>),
- Geneva Industries (more info at <http://www.epa.gov/earth1r6/6sf/pdffiles/0602809.pdf>) and
- Patrick Bayou (more info at <http://www.epa.gov/earth1r6/6sf/pdffiles/0605329.pdf>).

I hope this information is helpful. Please let me know if you have any further questions.

Cynthia Fanning
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